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EXPERT OPINION

File No. : N 84564/08

May 7, 2008

Examined for	: The account of whom it may concern.
Subject	: Expert Opinion
Requested by	: Mahoney & Keane, LLP (Mr. Garth S. Wolfson)
Vessel	: Cap Ortegual, Voyage #048N
Arrived	: Newark, New Jersey on July 18, 2006.
Bill of Lading No.	: CHIWX1C037214
Container No.	: GESU 918001-6
Shipment	: 1,017 boxes plantains

In order to render our opinion, we studied the following documents:

1. Survey Report # MAC-108 issued by Argo Navis Marine, LLC, dated August 31, 2006 plus various attachments.
2. Sensor Report for container GESU 918001-6 from July 1, 2006 to August 30, 2006.
3. Event Report for container GESU 918001-6 from July 1, 2006 to August 30, 2006.
4. Controller pre-trip report for GESU 918001-6 from July 1, 2006 to August 30, 2006.

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5. NMCI reefer container download report.
6. Copies of various other letters and documents.

Upon review of the above, we can report as follows:

General Information

1. Container reportedly stuffed with plantains :
July 11, 2006.
2. Vessel's departure date from Cartagena - Not
Available.
3. Vessel's arrival information : Arrived, Newark
July 18, 2006.
4. Bill of Lading dated : July 21, 2006 (carrying
temperature 7.2°C).
5. Arrival of container at importer's warehouse -
July 20, 2006 - 1600 hours.
6. Container returned - July 28, 2006.
7. Goods examined by the Consignee's Surveyor -
August 3, 2006.

Review of Argo Navis Marine Survey Report

1. Lot size inspected : 20 pallets of plantains. Does
not state number of cartons. Based on photos provided
cartons were stacked 6 high and about 6 per tier,
meaning 36 cartons per pallet. Therefore, 20 pallets
would be about 720 cartons.

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2. Storage Information

The lot that was inspected was kept in the open tarmac subject to outside elements. No information about storage condition at the consignee's warehouse was provided - i.e., whether the plantains were refrigerated to the recommended temperatures upon stripping the container and till the date of the Surveyor's inspection on August 3, 2006.

3. Surveyors Description of the Goods

They found all plantains fully yellow, with approximately 5% having mold on tips; 80% with browning over 50% of the peel. Pulp was extremely soft and yellow in color.

Other Comments

The Surveyor does not provide any indication of the storage temperatures of the cargo at the warehouse prior to their inspection. July is a hot month and hence, all probabilities are that the cargo may have been subjected to extra ordinary heat. The report does not have any comments on condition prior to stuffing or of any progressive condition on account of mechanical injury or disease.

Our Comments

Based on the photographs provided to us (presumably from Argo Navis), the plantains appeared to have deteriorated to a condition that would have rendered the plantains a total loss. The cartons were depressed and leaning on the warehouse pallets raising questions about the integrity of the cartons.

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Our examination of the sensor report indicated that supply air averaging 7.25°C to a return air of mostly 8.75°C was maintained since the day of stuffing. Some variation was observed on July 19, 2006 from 0800 hours to 1800 hours. Temperatures dropped to a normal condition till 2200 hours on July 20, 2006.

Additionally, NMCI's downloading report on July 18, 2006 indicated a temperature of 7.2°C with the vents open 50%.

Review of the delivery and return air temperatures of the container's records were normal and within the prescribed parameters. There is no evidence of reefer mal-function or interruptions.

It should be noted that return air temperature (RAT) is always higher than the delivery air temperature (DAT) as it extracts the heat from the cargo. In other words, refrigeration is extracting heat from the cargo and not cooling the cargo.

Instances of minor and temporary deviation from the DAT have no real effect on the pulp temperature of the fruit.

Remarks

Plantains (cooking bananas) are imported into the United States from the tropical region of South America, particularly Columbia. Normally there is no organized farming like bananas and the quality control during production and packing are not uniform for various lots. A lot could have plantains of mixed quality during packing and then brought to the shipping points without refrigeration.

In order to maintain green color, the plantains must be harvested at the appropriate maturity. Other requirements are as follows:

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1. There must be no delay between cutting and the loading the product into a refrigerated space; the aim should be to pre cool the fruits within 24 hours of harvest.
2. The cooling process itself should be as rapid as possible in order to remove the "field heat" and maintain an appropriate carrying temperature.
3. Prevention of ethylene accumulation in the atmosphere surrounding the plantains. The ventilators of the container should be in open position for at least 50% level to keep the carbon dioxide level at a reasonable level.

Recommended carrying temperatures for Plantains are 45°F to 50°F (7.2 °C to 10 °C). Prior to loading into a refrigerated container, they should be pre-cooled to 7.2°C. Similarly the container should be pre cooled to that temperature.

The shelf life is 1 to 3 weeks for colored plantains whereas up to 5 weeks for green plantains.

Conclusion

In our opinion, the DAT and RAT during ocean transit were within normal parameter and do not suggest mal-function and/or interruptions.

The depressed condition of the cartons could be associated with outside elements or poor construction of the packaging. Perhaps, the cartons were re-used.

We were not provided with any information about the pre-load condition of the product, such as pulp temperatures, pre-carriage information before stuffing into the subject container, photographs or inspection reports.

Based on the information available, we would strongly opine that, the condition of the plantains was not associated with lack of refrigeration or mal-function of the reefer unit of the container during transit.

